

Dec 15, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

KELLI GRAY, and all others similarly

situated,

Plaintiffs,

v.

SUTTELL & ASSOCIATES, et al.,

Defendants.

No. 2:09-cv-00251-SAB

**ORDER DENYING  
PLAINTIFFS' MOTION FOR  
RECONSIDERATION**

EVA LAUBER, et al.,

Plaintiffs,

v.

ENCORE CAPITAL GROUP, INC., et al.,

Defendants.

Before the Court is Plaintiffs' Motion for Reconsideration, ECF NO. 614.  
The motion was heard without oral argument.

Generally, motions for reconsideration are disfavored. *See Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). Indeed, the Ninth Circuit has instructed that Rule 59(e) is an "extraordinary remedy" that should not be granted, absent highly unusual circumstances. *Id.* Such circumstances include where the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law. *Id.* (quoting *Kona*

**ORDER DENYING  
PLAINTIFFS MOTION FOR RECONSIDERATION ~ 1**

1 *Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)).

2 Plaintiffs have not demonstrated they are entitled to such extraordinary  
3 relief. They have not presented the Court with newly discovered evidence, shown  
4 that there is an intervening change in the controlling law, or convinced the Court  
5 that it committed clear error. More importantly, they did not challenge the Court's  
6 findings that permitting Plaintiffs to file a second amended complaint would  
7 substantially prejudice the Suttell Defendants.

8 Accordingly, **IT IS HEREBY ORDERED:**

9 1. Plaintiffs' Motion for Reconsideration, ECF No. 614, is **DENIED**.

10 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
11 and forward copies to counsel.

12 **DATED** this 15th day of December 2017.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian  
United States District Judge